

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF WEST ST. PAUL

In the Matter of the Civil Penalty
Assessed Against:

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

**432 Stanley St.
West St. Paul, MN 55118**

Issued to:

John Yang,

Respondent.

The above-entitled matter came on for hearing before Administrative Law Judge Manuel J. Cervantes on Thursday, January 17, 2013, at 600 North Robert Street, St. Paul, Minnesota. The City of West St. Paul was represented by Delci Merrell, Code Enforcement Officer. The Respondent was represented by ☒ Self ☐ Attorney.

FINDINGS OF FACT

The Respondent has been issued the following charge(s) for which he received proper notice: Citation No. 12-00102 issued November 6, 2012, for violation of West St. Paul City Code 425. Housing Code: Repair garage door and replace broken window.

☒ After a hearing on this matter, the Administrative Law Judge adopts the facts as submitted by the City, as set forth in the allegations in the Notice and Order for Hearing issued on December 29, 2012.

☒ The garage door was repaired on January 7, 2013 and Mr. Yang has made arrangements to have the window repaired on or about January 25, 2013.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The City and the Office of Administrative Hearings have subject matter jurisdiction pursuant to West St. Paul City Code § 120.13.

2. The City has complied with all relevant substantive and procedural requirements of Minnesota Statutes, rules and West St. Paul City Code.

3. The Respondent was given timely and proper notice of the hearing in this matter.

4. The City has demonstrated by a preponderance of evidence that Respondent ☒ has ☐ has not violated the alleged violation(s), to wit, West St. Paul Ordinances 425.17 and 425.19.

5. The Administrative Law Judge has considered the duration, frequency of reoccurrence, seriousness, and history of the violation; Respondent's conduct after the issuance of the Notice and Order for Hearing and good faith efforts to comply; the impact of the violation on the community; the Respondent's record of prior City Code violation(s) and other factors appropriate to a just and fair result and;

6. An Order is in the public interest.

Based on the foregoing, the Administrative Law Judge makes the following:

ORDER

☒ Respondent shall pay to the City of West St. Paul a civil penalty of \$400.00, \$100.00 of the fine is suspended on the condition that repair of the window is completed and Mr. Yang notifies the City on or before February 1, 2013 that repair has been completed (provide photo and repair invoice). This fine is payable within 30 days of this Order.

☒ The matter is dismissed.

NOTICE

Pursuant to West St. Paul City Code § 120.15 and Minn. Stat. ch. 14, this Order is the final decision in this case. Any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 to 14.69.

Dated: January 17, 2013

/s/ Manuel Cervantes

MANUEL J. CERVANTES
Administrative Law Judge

Reported: Digitally Recorded